

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Appellate Advisory Committee
Justice Joyce L. Kennard, Chair
Heather Anderson, Senior Attorney, 415-865-7691

DATE: September 2, 2003

SUBJECT: Appellate Procedure: Proposed New Appellate Forms (approve forms APP-001, APP-002, APP-003, APP-005, APP-006, and APP-007, and renumber current form APP-001 (Action Required))

Issue Statement

Self-represented litigants who try to appeal a superior court decision to the Court of Appeal often face difficulty both in understanding basic appellate procedures and in drafting and filing appropriate papers.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2004:

1. Approve the following new forms for optional use:
APP-001, *Information on Appeal Procedures for Unlimited Civil Cases*
APP-002, *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)*
APP-003, *Notice Designating Record on Appeal (Unlimited Civil Case)*
APP-005, *Abandonment of Appeal (Unlimited Civil Case)*
APP-006, *Application for Extension of Time to File Brief (Civil Case)* and
APP-007, *Request for Dismissal of Appeal (Civil Case)*; and
2. Renumber current form APP-001 *Civil Case Information Statement* as APP-004.

The proposed forms are attached at pages 6 – 21.

Rationale for Recommendation

The Fourth Appellate District of the Court of Appeal has recently prepared an extensive manual to assist self-represented litigants on appeal. At the suggestion of the Judicial Council's Task Force on Self-Represented Litigants, the Appellate Advisory Committee has also been considering options at the statewide level that would improve access for self-represented litigants. As an initial initiative, the committee proposes a Judicial Council–approved information sheet about the civil appellate process and new, optional forms that litigants can use to complete several of the common steps in appeals of unlimited civil cases. The committee believes that these forms will help unrepresented litigants, as well as attorneys who are unfamiliar with appellate procedure in understanding the basic procedures followed in appealing an unlimited civil case and in preparing and filing appropriate papers in these appeals.

APP-001, Information on Appeal Procedures for Unlimited Civil Cases

This form is designed to provide self-represented litigants with a quick overview of the procedures for appealing a superior court decision in an unlimited civil case. As the introductory paragraph cautions, this information is not meant to provide a detailed guide to the procedures; litigants are directed to read the relevant rules of court themselves and are advised that they may need to seek legal assistance.

APP-002, Notice of Appeal/Cross-Appeal (Unlimited Civil Case)

This form would provide litigants with a standardized mechanism for filing a notice of appeal or cross-appeal in unlimited civil cases.

APP-003, Notice Designating Record on Appeal (Unlimited Civil Case)

This form would provide litigants with a standardized mechanism for requesting the clerk and court reporter's transcripts in an unlimited civil matter. It would also provide a way for litigants to inform the court and other parties that they are electing to proceed without a clerk or reporter's transcript.

APP-006, Application for Extension of Time to File Brief (Civil Case)

This form would provide litigants with a standardized mechanism for requesting an extension of time to file a brief.

APP-005, Abandonment of Appeal (Unlimited Civil Case), and APP-007, and Request for Dismissal of Appeal (Civil Case)

These forms would provide appellants with standardized mechanisms for informing the court and the parties that they are voluntarily abandoning or wish to dismiss an appeal.

Alternative Actions Considered

The committee considered a variety of different modifications to these proposed forms. These are discussed in the next section.

Comments From Interested Parties

These proposed forms were circulated as part of the spring 2003 comment process. Eighteen individuals or organizations submitted comments. Overall, 6 commentators agreed with the proposed forms without suggesting any changes, and the remaining 12 commentators either agreed with the proposed forms only if they are amended or agreed with the proposed forms but also submitted suggested changes; no commentators disagreed with the proposed forms. Many of the commentators submitted suggestions on several of the proposed forms.¹

General comment

Ms. Diana Herbert, commenting on behalf of the Appellate Court Clerks Association, suggested that the numbering on the appellate forms be changed so that the forms are in the order in which litigants would use them. The committee agreed with this suggestion and recommends that current form APP-001 *Civil Case Information Statement* be renumbered as APP-004, that the *Information on Appeal Procedures for Unlimited Civil Cases* becomes APP-001, and that the remaining forms be numbered in the sequence indicated above.

APP-001, Information on Appeal Procedures for Unlimited Civil Cases

The following are the main revisions to form APP-001 (APP-002 as circulated) that were suggested by commentators and approved and incorporated into the proposed form by the committee:

- Add information about using an appendix in lieu of the clerk's transcript under rule 5.1
- Add a definition of "unlimited civil case" to the form;
- Delete the heading boxes on the second and third pages of the form;
- Highlight the admonition at the top of the form to read the relevant rules of court;
- Highlight the legal error language in the discussion of the nature of an appeal;
- Clarify that the cited time frames for filing a notice of appeal are only the general time frames; and
- Modify the discussion of designation of the record to clarify that reporter's transcripts are not mandatory.

Several commentators suggested splitting the information sheet into two separate form — one for those aspects of the appeal that take place in the trial court and

¹ The full text of the comments that were submitted and the committee's responses are set forth on the accompanying comment chart, beginning on page 22.

one for those aspects that take place in the Court of Appeal. Rather than splitting this information sheet into separate forms, which the committee believes would be confusing for self-represented litigants, the committee revised the form to include headings that identify the steps in the appellate process at the superior court and the steps at the Court of Appeal.

APP-002, Notice of Appeal/Cross-Appeal (Unlimited Civil Case)

The following are the main revisions to form APP-002 (APP-003 as circulated) that were suggested by commentators and approved and incorporated into the proposed form by the committee:

- Modify form so it can also be used for cross-appeals; and
- Add a note clarifying that this form is to be filed in the superior court, not the Court of Appeal.

The State Bar Committee on Appellate Courts suggested adding a definition of “unlimited civil case” to this form and the other proposed forms. The committee believes it would be better not to repeat this explanation on each form. Instead, it proposes a general notice box at the tops of all the forms, letting users know that they should read the information sheet before completing the form.

APP-003, Notice Designating Record on Appeal (Unlimited Civil Case)

The following are the main revisions to form APP-003 (APP-004 as circulated) that were suggested by commentators and approved and incorporated into the proposed form by the committee:

- Fix the heading box on the form to conform to the format of forms used in the superior court; and
- Include judgment required items and other items from rule 5(d)(7) in notwithstanding the verdict in clerk’s transcript; and
- Add language about exhibits to the bottom of the notice designating the clerk’s transcript.

Several commentators suggested that the four record designation options on the first page of the form be placed in the same order in which they appear on the local forms now being used by the Los Angeles and San Diego courts, which have the options in almost reverse order that is, with item number 3 (as circulated) is first, item 4 is second, item 1 is third, and item 2 is fourth. The committee has reversed the order of the options on the proposed form because this appears to place the options in a logical sequence.

The committee does not recommend the following suggested revisions:

- Add references to using the superior court file instead of the clerk’s transcript under rule 5.2. The committee concluded that this would be too confusing for

- unrepresented litigants; and
- Revise the proof of service to emphasize that the litigant is prohibited from doing the mailing himself or herself. The wording of this proof of service is the current standard language for proofs of service in Judicial Council forms.

Form APP-005, Abandonment of Appeal

The following are the main revisions to form APP-005 (APP-006 as circulated) that were suggested by commentators and approved and incorporated into the proposed form by the committee:

- Fix the heading box on the form to conform to the format of forms used in the superior court; and
- Include a reference to the date of the notice of appeal.

APP-006, Application for Extension of Time to File Brief (Civil Case)

The following are the main revisions to form APP-006 (APP-005 as circulated) that were suggested by commentators and approved and incorporated into the proposed form by the committee:

- Add the superior court case number;
- Add references to relevant rules, including the standards used in granting extensions of time;
- Add a request for information about the size of the record;
- Add a space for attorneys to certify that they have provided their clients with a copy of the application as required by the rules of court;
- Add an area for ruling by the court; and
- Add a proof of service.

Form APP-007, Request for Dismissal of Appeal (Civil Case)

Diana Herbert suggested including a reference to the date of the notice of appeal to the form. The committee agreed with this suggestion and has made this change.

Implementation Requirements and Costs

There are likely to be some initial staff time and expense for the courts in implementing these new forms. However, implementing this proposal should reduce costs for litigants associated with trying to pursue appeals of unlimited civil cases and costs for the courts associated with trying to assist pro per litigants on appeal.

Attachments

INFORMATION ON APPEAL PROCEDURES FOR UNLIMITED CIVIL CASES

The following is general information about the procedures for appeals of unlimited civil cases ("unlimited civil case" generally means a civil case in which the amount in controversy is more than \$25,000; see Code of Civil Procedure sections 85 and 88). This information is not intended to be comprehensive, but to provide an overview to help guide you through the appeal process. **You should thoroughly read rules 1 through 27 of the California Rules of Court. If you have questions about the appellate process, you should consult an attorney of your own choosing.**

1. NATURE OF AN APPEAL

An appeal is a review of a court's decision by another court. A party may appeal an unfavorable judgment and certain orders in an unlimited civil case made in the superior court to the Court of Appeal for the district in which the superior court is located. Generally, the appeal must be based on an argument that a **legal error** was made by the superior court. An appeal is not a retrial. You will not be permitted to introduce new evidence, and the appellate court will not reassess conflicting evidence. You may not appeal on behalf of a friend, a spouse, a child, or other relative (unless you are a legally appointed guardian).

2. PARTIES

The party filing the appeal is called the APPELLANT. The party against whom the appeal is brought is called the RESPONDENT.

STEPS IN THE APPEAL PROCESS AT THE SUPERIOR COURT**3. NOTICE OF APPEAL**

To appeal from a superior court decision in an unlimited civil case, the appellant must file a notice of appeal **in the superior court** (Cal. Rules of Court, rule 1). A notice of appeal tells the other party or parties in the case and the superior court that you are appealing the decision of the superior court. You may use Judicial Council form APP-002, *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)*, to file a notice of appeal in an unlimited civil case.

The notice of appeal must be served on the other party or parties in the case and filed with the clerk of the superior court. Generally, this service and filing must be completed within **60 calendar days** after the clerk mails or a party serves either a notice of entry of judgment or a file-stamped copy of the judgment. If neither of these documents is sent, the notice of appeal must be filed within **180 calendar days** after entry of judgment (generally the date the judgment is file-stamped). **If your notice of appeal is filed late, your appeal will be dismissed** (Cal. Rules of Court, rules 2 and 3).

If a notice of appeal has been filed in a case, any other party to the case may file its own appeal from the same judgment or order. This is called a cross-appeal. To cross-appeal, a party must file a notice of appeal within either the regular time for filing a notice of appeal or within 20 days after the clerk of the superior court mails notice of the first appeal, whichever is later (Cal. Rules of Court, rule 3(e)). You may use Judicial Council form APP-002, *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)*, to file this notice in an unlimited civil case.

4. FEE ON APPEAL

The notice of appeal must be accompanied by a \$655 filing fee (Gov. Code, §§ 68926 and 68926.1) made payable to "Clerk, Court of Appeal" and a \$100 deposit (Gov. Code, § 68926.1) made payable to "Clerk of the Superior Court." If you do not have the money for the fees, you may submit an application for waiver of court fees and costs on appeal under rule 985 of the California Rules of Court (Cal. Rules of Court, rule 1(b)).

5. DESIGNATION OF RECORD

See rules 4 through 12.5 of the California Rules of Court, which govern the preparation of the record on appeal.

Since the appellate court was not present at the trial or other proceedings in the superior court, there must be an official record of the proceedings from the superior court for the appellate court to review in assessing the appeal. Within 10 days of filing the notice of appeal, the appellant must tell the superior court in writing ("designate") what documents and oral proceedings, if any, to include in the record that will be sent to the Court of Appeal. **You will need to designate all the parts of the record that the Court of Appeal will need to decide the issues you raise in the appeal.** You can use Judicial Council form APP-003, *Notice Designating Record on Appeal (Unlimited Civil Case)* to designate the record in an unlimited civil case.

Reporter's Transcript

A court reporter's transcript is a written record (often called the "verbatim" record) of the oral proceedings in the superior court. A reporter's transcript is not required but is usually necessary.

Within 10 days of filing the notice of appeal, the appellant must serve and file with the superior court clerk either a notice designating a reporter's transcript or a notice of intent to proceed without a reporter's transcript (Cal. Rules of Court, rule 4(a)(1)). You can use Judicial Council form APP-003, *Notice Designating Record on Appeal (Unlimited Civil Case)* to file this notice in an unlimited civil case.

If the appellant chooses to designate a reporter's transcript, the notice designating this transcript must specify the date of each proceeding to be included in the transcript and must be served on each known court reporter (Cal. Rules of Court, rules 4(a)(4) and (6)). The names of the court reporters who reported the proceedings are found in the superior court clerk's minute orders, which are prepared for each day of the proceedings and then placed in the superior court file.

With the notice designating the reporter's transcript, the appellant must deposit the approximate cost of transcribing the proceedings designated (Cal. Rules of Court, rule 4(b)). The cost may be obtained from the reporter's written estimate or calculated at \$650 per day (more than three hours of court time) or \$325 per fraction of a day (less than three hours of court time) (Cal. Rules of Court, rule 4(b)(1)).

Within 10 days after service of the appellant's designation of the reporter's transcript, the respondent may serve and file a notice designating additional proceedings to be included in the reporter's transcript (Cal. Rules of Court, rule 4(a)(2)). Respondent must pay for the cost of transcribing any additional proceedings designated.

If the appellant chooses to proceed without a reporter's transcript, the respondent may not designate a reporter's transcript without first obtaining an order from the reviewing court (Cal. Rules of Court, rule 4(a)(3)).

Clerk's Transcript or Appendix

The clerk's transcript is a compilation of the documents filed in the superior court. Within 10 days of filing the notice of appeal, the appellant must serve and file with the superior court clerk a notice either designating the documents from the court file that the appellant wants the superior court to include in the clerk's transcript (Cal. Rules of Court, rule 5(a)(1)) or a notice of intent to prepare his or her own compilation of these documents, called an appendix (Cal. Rules of Court, rule 5.1). You can use Judicial Council form APP-003, *Notice Designating Record on Appeal (Unlimited Civil Case)* to file this notice in an unlimited civil case.

If the appellant chooses to designate a clerk's transcript, each document designated for inclusion in the clerk's transcript must be identified by its title and filing date. If the filing date is not known, the date the document was signed may be used instead (Cal. Rules of Court, rule 5(a)(4)).

Within 10 days after service of a notice designating the documents to be included in the clerk's transcript, respondent may serve and file a notice designating additional documents to be included in the clerk's transcript (Cal. Rules of Court, rule 5(a)(3)).

The superior court clerk will send the appellant a bill for the cost of preparing an original and one copy of the transcript (Cal. Rules of Court, rule 5(c)). This must be paid within 10 days or the appeal may be dismissed by the Court of Appeal.

If the appellant chooses to prepare an appendix of the documents filed in the superior court, rather than designating a clerk's transcript, that appendix must include all of the documents and be prepared in the form required by California Rules of Court, rule 5.1(b) and (c). The parties may prepare separate appendixes but are encouraged to stipulate (agree) to a joint appendix. If separate appendixes are prepared, each party must pay for its own appendix. If a joint appendix is prepared, the parties can agree on how the cost of preparing the appendix will be paid or the cost will be paid by the appellant(s) (Cal. Rules of Court, rule 5.1(e)).

6. FILING OF CLERK'S AND REPORTER'S TRANSCRIPTS (IF ANY)

If the appellant chooses to designate a clerk's transcript, after all the fees have been paid, the superior court clerk will compile the requested documents into a transcript format and forward the original clerk's transcript, together with the original reporter's transcript, if any, to the Court of Appeal for filing. A copy of the transcript(s) will be sent to the appellant. If the respondent has purchased a copy, the clerk's transcript will also be mailed to the respondent (Cal. Rules of Court, rules 4(f), 5(d) and 11).

7. ABANDONMENT OF APPEAL

If the appellant decides not to proceed with the appeal and the record has not yet been filed in the Court of Appeal, the appellant must file an abandonment of appeal in the superior court. You can use Judicial Council form APP-005, *Abandonment of Appeal (Unlimited Civil Case)*, for this purpose.

STEPS IN THE APPEAL PROCESS AT THE COURT OF APPEAL

8. CIVIL CASE INFORMATION STATEMENT

When the Court of Appeal is notified that a notice of appeal has been filed in an unlimited civil case, the clerk of the Court of Appeal will mail the appellant a copy of Judicial Council form APP-004, the *Civil Case Information Statement*, along with a notice that this form must be filed within 10 days. Within 10 days after the clerk mails this notice, the appellant must serve and file in the Court of Appeal a completed *Civil Case Information Statement*, attaching a copy of the judgment or appealed order that shows the date it was entered (Cal. Rules of Court, rules 1(f) and 2(c)).

9. SERVING AND FILING APPENDIX IN LIEU OF CLERK'S TRANSCRIPT

If a party chooses to prepare an appendix of the documents filed in the superior court under rule 5.1 rather than designating a clerk's transcript, the party preparing the appendix must serve the appendix on each other party (unless the parties have agreed or the Court of Appeal has ordered otherwise) and file the appendix in the Court of Appeal. A joint appendix or an appellant's appendix must be served and filed with the appellant's opening brief. A respondent's appendix, if any, must be served and filed with the respondent's brief. An appellant's reply appendix, if any, must be served and filed with the appellant's reply brief (Cal. Rules of Court, rule 5.1(d)).

10. BRIEFS

A brief is a party's written description of the facts in the case, the relevant law, and the party's argument. The preparation and filing of briefs is governed by rules 13 through 18 of the California Rules of Court. Parties are encouraged to read these rules thoroughly and comply accordingly.

Contents and Format of Briefs

See rule 14 of the California Rules of Court.

The brief must clearly explain, using references to the clerk's and reporter's transcripts, the claimed legal errors in the superior court proceedings. Each brief must be no longer than 14,000 words if produced on a computer (you can rely on the word count provided by your computer in meeting this requirement) or up to 50 pages if produced on a typewriter. The brief must contain a table of contents and a table of authorities.

Service and Filing of Briefs

See rule 15 of the California Rules of Court.

The appellant's opening brief must be served and filed within 30 days after the record is filed in the Court of Appeal or 70 days from the date the appellant elects to proceed under rule 5.1 with no reporter's transcript. The cover of the appellant's opening brief must be green.

The respondent's brief must be served and filed within 30 days after the appellant's opening brief is filed. The cover of the respondent's brief must be yellow.

The appellant's reply brief, if any, must be served and filed within 20 days after the respondent's brief is filed. The cover of the appellant's reply brief must be tan.

An original and four copies of each brief, along with proof of service, must be filed with the Court of Appeal. A copy of each brief must be served on all counsel and self-represented parties and on the superior court clerk for delivery to the trial judge. Five copies must also be served on the California Supreme Court. The addresses of the California Supreme Court, Courts of Appeal, and superior courts can be found on the Internet at www.courtinfo.ca.gov/courts.

In some instances a copy of each brief must be served on the Attorney General or the local district attorney. See rule 44.5 of the California Rules of Court and the *Civil Case Information Statement* (Judicial Council form APP-004).

Cover:	Appellant's opening brief—green Respondent's brief—yellow Appellant's reply brief—tan
File:	Original plus 4 copies along with proof of service in the Court of Appeal
Serve:	California Supreme Court—5 copies Superior court—1 copy All counsel All self-represented parties

Extension of Time to File Brief

The parties may extend the time to file a brief for up to 60 days by filing a stipulation (agreement) in the Court of Appeal (Cal. Rules of Court, rule 15 (b)).

An application for extension of time must be filed with the Court of Appeal before the brief is due when:

The parties cannot agree to a stipulation; or

The parties have stipulated to the maximum automatic extension permitted under rule 15 of the California Rules of Court, and the applicant seeks a further extension.

Judicial Council form APP-006, *Application for Extension of Time to File Brief (Civil Case)*, can be used to apply to the Court of Appeal for an extension of time to file a brief.

11. DISMISSAL OF APPEAL

If the appellant decides not to proceed with the appeal after the record has been filed in the Court of Appeal, the appellant must file a request for dismissal in the Court of Appeal. You can use Judicial Council form APP-007, *Request for Dismissal of Appeal (Civil Case)* for this purpose (Cal. Rules of Court, rule 20).

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE NO.: FAX NO. (<i>Optional</i>): E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>):	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 5</h1> <h1 style="text-align: center;">8/27/03</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<input type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)	CASE NUMBER:

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

1. NOTICE IS HEREBY GIVEN that (*name*):

appeals from the following judgment or order in this case, which was entered on (*date*):

- ☐ Judgment after jury trial
- ☐ Judgment after court trial
- ☐ Default judgment
- ☐ Judgment after an order granting a summary judgment motion
- ☐ Judgment of dismissal under Code of Civil Procedure sections 581d, 583.250, 583.360, or 583.430
- ☐ Judgment of dismissal after an order sustaining a demurrer
- ☐ An order after judgment under Code of Civil Procedure section 904.1(a)(2)
- ☐ An order of judgment under Code of Civil Procedure section 904.1(a)(3)–(13)
- ☐ Other (*describe and specify code section that authorizes this appeal*):

2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (*if known*):

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:	CASE NUMBER:
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NOTICE: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF. You must have a person who is at least 18 years old complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

☐ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and **not a party to this legal action**.
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)* as follows (*complete either a or b*):
 - a. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope **and**
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing (*city and state*):
 - b. ☐ **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE NO.: E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>):	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 6</h1> <h1 style="text-align: center;">9/2/03</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)	Superior Court Case Number:
	Court of Appeal Case Number (<i>if known</i>):
RE: Appeal filed on (<i>date</i>):	

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

TO: Clerk of the Superior Court of California, County of (*name of county*):

NOTICE IS HEREBY GIVEN that (*name*):

The ☐ Appellant ☐ Respondent in the above case elects to proceed with the following record on appeal:

(check only one)

1. ☐ (Appendix Only; no Reporter's Transcript)
 - a. elects under rule 5.1 of the California Rules of Court to prepare own transcript in lieu of a court-prepared clerk's transcript.
AND
 - b. elects to have no reporter's transcript. (*Date and sign only.*)
2. ☐ (Appendix and Reporter's Transcript)
 - a. elects under rule 5.1 of the California Rules of Court to prepare own transcript in lieu of a court-prepared clerk's transcript.
AND
 - b. elects a reporter's transcript as designated on page 3. (*Fill out the reporter's transcript section on page 3.*)
3. ☐ (Clerk's Transcript Only; no Reporter's Transcript)
 - a. elects under rule 5 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (*Fill out the clerk's transcript section on page 2.*)
AND
 - b. elects to have no reporter's transcript.
4. ☐ (Clerk's and Reporter's Transcripts)
 - a. elects under rule 5 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (*Fill out the clerk's transcript section on page 2*)
AND
 - b. elects a reporter's transcript as designated on page 3. (*Fill out the reporter's transcript section on page 3.*)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:	CASE NUMBER:
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NOTICE DESIGNATING CLERK'S TRANSCRIPT

(Cal. Rules of Court, rule 5)

A. It is requested that the following documents in the superior court file be included in the clerk's transcript (*give the specific title of each document, an accurate description, and the date of filing*):

Document Title and Description

Date of Filing

(NOTE: Items 1–7 are required to be a part of the clerk's transcript and will automatically be included.)

1. Notice of appeal
2. Notice designating record on appeal (*this document*)
3. Judgment or order appealed from
4. Notice of entry of judgment (*if any*)
5. Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (*if any*)
6. Ruling on item 5
7. Register of actions (*if any*)
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.

B. It is requested that the following EXHIBITS admitted into evidence or marked for identification be copied into clerk's transcript on appeal (*check only one box*):

- ☐ 1. All Exhibits
- ☐ 2. Specific Exhibits (*give the exhibit number [for example, Plaintiff's #1, Defendant's B, Respondent's A], a brief description, and admission status.*):

☐ See additional pages.

CASE NAME:	CASE NUMBER:
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NOTICE DESIGNATING REPORTER'S TRANSCRIPT
(Cal. Rules of Court, rule 4)

<u>Reporter's Name</u>	<u>Dept.</u>	<u>Date</u>	<u>Nature of Proceedings</u>
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

☐ See additional pages.

CASE NAME:	CASE NUMBER:
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NOTICE: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF. You must have a person who is at least 18 years old complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

☐ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and **not a party to this legal action**.
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the *Notice Designating Record on Appeal (Unlimited Civil Case)* as follows (*complete either a or b*):
 - a. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope **and**
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:
 - (c) Date of mailing:
 - (d) Place of mailing (*city and state*):
 - b. ☐ **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (TYPE OR PRINT NAME)	<div style="display: flex; align-items: center; justify-content: center;"> </div> <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/> (SIGNATURE OF DECLARANT)
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TO BE FILED IN THE SUPERIOR COURT

APP-005

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <div style="text-align: center; font-size: 2em; font-weight: bold;">DRAFT 5</div> <div style="text-align: center; font-size: 2em; font-weight: bold;">8/27/03</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	Superior Court Case Number:
ABANDONMENT OF APPEAL (UNLIMITED CIVIL CASE)	Court of Appeal Case Number (<i>if known</i>):

The undersigned appellant hereby abandons the appeal filed on (*date*)

in the above entitled action.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF APPELLANT OR ATTORNEY)

NOTE: File this form in the superior court if the record has not yet been filed in the Court of Appeal. If the record has already been filed in the Court of Appeal, you cannot use this form; you must file a request for dismissal in the Court of Appeal. You can use form APP-007 to file a request for dismissal in the Court of Appeal.

CASE NAME:	CASE NUMBER:
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NOTICE: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF. You must have a person who is at least 18 years old complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

☐ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the *Abandonment of Appeal (Unlimited Civil Case)* as follows (*complete either a or b*):
 - a. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope **and**
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
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 - (c) Date of mailing:
 - (d) Place of mailing (*city and state*):
 - b. ☐ **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

COURT OF APPEAL, _____ APPELLATE DISTRICT, DIVISION _____	Court of Appeal Case Number: Superior Court Case Number:
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): _____ TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold;">DRAFT 5</div> <div style="font-size: 2em; font-weight: bold;">8/27/03</div>
APPELLANT: RESPONDENT:	FOR COURT USE ONLY
APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF (CIVIL CASE)	

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form.

1. I (name):
 request that the time to file ☐ appellant's opening brief (AOB) ☐ respondent's brief (RB) ☐ appellant's reply brief (ARB), now due on (date):
 be extended to (date):
2. I ☐ have ☐ have not received a rule 17 notice.
3. I have received:

☐ no previous extensions to file this brief.
☐ the following previous extensions:

(number of extensions):

extensions by stipulation totaling (total number of days):

(number of extensions):

extensions from the court totaling (total number of days):
4. I am unable to file a stipulation to an extension because

☐ the other party is unwilling to stipulate to an extension.
☐ other reason (please specify):
5. The reason I need an extension to file this brief is (please specify; see Cal. Rules of Court, rule 45.5, for factors used in determining whether to grant extensions):
6. The last brief filed by any party was: ☐ AOB ☐ RB filed on (date):
7. The record in this case is:

	Volumes (#)	Pages (#)	Date filed
Appendix/Clerks Transcript:	_____	_____	_____
Reporters Transcript:	_____	_____	_____
Augmentation/other:	_____	_____	_____
8. For attorneys filing application on behalf of client:
☐ I certify that I have delivered a copy of this application to my client (Cal. Rules of Court, rule 45(f)).
 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.
 Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PARTY OR ATTORNEY)

EXTENSION OF TIME IS:

ORDER

- ☐ Granted to _____
- ☐ Denied

Date:

 (SIGNATURE OF PRESIDING JUSTICE)

Page 1 of 2

CASE NAME:	CASE NUMBER:
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NOTICE: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF. You must have a person who is at least 18 years old complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

☐ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and **not a party to this legal action**.
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the *Application for Extension of Time to File Brief (Civil Case)* as follows (*complete either a or b*):
 - a. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope **and**
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service, with the postage fully prepaid.
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 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (TYPE OR PRINT NAME)	<div style="display: flex; align-items: center; justify-content: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> </div> (SIGNATURE OF DECLARANT)
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CASE NAME:	CASE NUMBER:
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PROOF OF SERVICE

☐ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My residence or business address is (*specify*):
3. I mailed or personally delivered a copy of the *Request for Dismissal of Appeal (Civil Case)* as follows (*complete either a or b*):
 - a. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope **and**
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
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 - (3) Date delivered:
 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

SPR03-05

Appellate Procedure—Forms for Appeals in Unlimited Civil Cases
(approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	General	Hon. S. William Abel Presiding Judge Superior Court of California, County of Colusa	A	N	No comment.	No response required.
2.	General	Ms. Andrea Agloro Executive Director Sonoma County Legal Aid	A	N	No comment.	No response required.
3.	General	Ms. Gloria Barnes Legal Process Clerk Superior Court of California, County of Santa Cruz	A	N	No comment.	No response required.
4.	General	Mr. Robert Gerard President Orange County Bar Association	A	Y	No comment.	No response required.
5.	General	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	Comment-We think it would be helpful for pro per's if the forms were numbered in the order in which they would be used. The information about appeal procedures first (APP-001) then the notice of appeal (APP-002), etc.	Agree and have renumbered the proposed forms accordingly and are recommending renumbering of current form APP-001 as APP-004.
6.	General	Mr. Ronald Steven Mintz General Counsel Tactical Law Command	A	N	Anything that makes it easier for litigants to seek and obtain justice is good for the public and the administration of justice. As an attorney, I would like to be able to use the forms myself in lieu of preparing time-consuming and costly papers for seeking relief on routine matters.	No response required.

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases
(approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
7.	General	Ms. Karen J. Segel Law Offices of Karen J. Segel	A	N	This form is long overdue and would benefit not only pro pers, but attorneys as well!	No response required.
8.	APP-002 General	Mr. Saul Bercovitch State Bar of California Appellate Court Committee	AM	Y	<p>The Committee commends the Appellate Advisory Committee’s work on these forms and believes they will significantly assist both self-represented litigants and practitioners to navigate the appeal process.</p> <p>In particular, the Committee finds the “Information on Appeal Procedures for Unlimited Civil Cases” (APP-002) (“Information Sheet”) to be written in plain English, effectively organized and overall extremely helpful. The Committee has a few suggestions on the Information Sheet and some of the other proposed forms.</p> <p>Finally, the Information Sheet indicates at the top that it is applicable “for unlimited civil cases.” The Committee recommends that the Information Sheet include a definition of “UNLIMITED CIVIL CASES” by stating that, under Sections 86 and 88 of the Code of Civil Procedure, the term “unlimited civil cases” generally refer to cases in which the demand, exclusive of interest, amounts to more than \$25,000.</p>	<p>No response required.</p> <p>Agree and have made this revision.</p>
9.	APP-002 General	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	<p>7. Briefs</p> <p>Since all the other section in this information sheet apply to the superior court, this section should be removed and incorporated into a separate information sheet sent by the Court of Appeal. If the appellant has any questions concerning the other</p>	The committee believes that splitting this information sheet into separate forms would be confusing for self-represented litigants. Instead, the committee is recommending putting headings into the form that identify the steps in the

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases
(approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					<p>eight sections, they are best directed to the superior court. Inclusion of this information will lead to questions concerning this section to be directed to the wrong court. In addition, removal will enable this information to be provided on a single double-sided form, which will make it much simpler to use.</p> <p>8. Abandonment of Appeal Renumber to number 7.</p>	appellate process at the superior court and the steps at the Court of Appeal.
10.	APP-002 General	Ms. Hannah Inouye Manager Superior Court of California, County of Los Angeles	AM	N	<p>It is recommended that the above information form on appeal procedures for unlimited civil cases be split into two separate forms, one form for superior court and one form for the court of appeal. The superior court form should include the information on the form in Sections 1 through 6 covering the nature of an appeal, fees, designations, and certification of the record, and a portion of Section 8, pertaining to an abandonment of an appeal before a record is certified. The court of appeal form should include information on the form in Section 7 covering briefs, and part of Section 8, pertaining to a dismissal of an appeal after a record is certified.</p> <p>Separate information forms make it more clearly to the litigants to address questions on the appellate process relating to the preparation of appeal records to the superior court and questions on filing briefs and dismissals of appeal after certification to the court of appeal.</p> <p>Section 7 of the form should be included as Section 1</p>	See response to comments of Ms. Herbert, above.

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases (approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					<p>on the court of appeal information form. Part of Section 8 on the form should be included on the court appeal in formation form as Section 2. Section 2 should be changed as follows. “If the record has already been filed in the Court of Appeal, the appellant must file a request for dismissal in the Court of Appeal. You can use Judicial Council form, APP-007, <i>Request for Dismissal of Appeal (Civil Case)</i> for this purpose. (Cal. Rules of Court, rule 20.)</p> <p>Section 2 should be designated as “DISMISSAL OF APPEAL” on the court of appeal information form.</p>	
11.	APP-002 General	Ms. Jody L. Isenberg California Judicial Attorneys Association	N	Y	<p>Proposed form APP-002 is the information sheet on appeal procedures for unlimited civil cases. The CJAA suggests that the phrase “unlimited civil cases” is confusing for self-represented litigants and that the phrase should be defined. Confusion may be exacerbated by the fact that some of the captions on the proposed forms refer to “unlimited civil cases” while others refer to “civil cases.” We propose the term be explained in the general information, perhaps following the first sentence, which reads: “The following is general information about the procedures for appeals of unlimited civil cases.”</p> <p>Also, pages two and three of proposed form APP-002 contain boxes at the top in which the case name and number would be inserted, suggesting a clerk or other person must fill in such information. We</p>	Agree and have added a definition to form.

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**Appellate Procedure—Forms for Appeals in Unlimited Civil Cases
(approve forms APP-002 – APP-007)**

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					question whether such case-specific information is necessary on a general information handout.	
12.	APP-002 General	Ms. Sandra Mason Director of Civil Operations Superior Court of California, County of San Luis Obispo	A	N	APP-002 Enlarge the font size to make the instructions more readable.	Agree.
13.	APP-002 Introduction	Mr. Saul Bercovitch State Bar of California Appellate Court Committee	AM	Y	<p>Information Sheet (APP-002)</p> <p>Summaries are always a compromise between too much, on the one hand, and too little, on the other hand. The Committee believes it is very important for the litigants to read the California Rules of Court and not to rely exclusively on the Information Sheet. The Committee commends the introductory language in the Information Sheet, which refers the litigants to the California Rules of Court, but the Committee suggests that the language be place in bold so that it is clearly brought to the attention of the litigants. Therefore, the Committee recommends that the following lines be put in bold:</p> <p>“You should thoroughly read rules 1 through 27 of the California Rules of Court. If you have questions about the appellate process, you should consult and attorney of your own choosing.”</p>	Agree.
14.	APP-002 Introduction	Ms. Hannah Inouye Manager Superior Court of	AM	N	Recommended changes to the form are as follows: In the first paragraph of the form, change “rules 1 through 27” to “rules 1 through 12.5” on the	The committee believes that splitting this information sheet into separate forms would be confusing for self-represented

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases (approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
		California, County of Los Angeles			information form for the superior court and “rules 13 to 27” on the information form for the court of appeal.	litigants. Instead, the committee is recommending putting headings into the form that identify the steps in the appellate process at the superior court and the steps at the Court of Appeal.
15.	APP-002 Section 1	Ms. Maggie Reyes-Bordeaux Attorney Public Counsel Law Center	AM		<p>APP-002, Draft 3 4/15/03, Page 1 of 3, changes to be made as follows:</p> <p>Nature of an Appeal-After the second sentence in this paragraph, the words “<i>legal error</i>” <i>should be underlined</i>; right where this sentence ends, this new sentence should be inserted: “<i>Please contact an attorney if you are unsure what constitutes a legal error.</i>”</p>	The committee is not recommending this change because it believes that this would be repetitive, since the opening paragraph already contains a suggestion that parties seek legal assistance if needed.
16.	APP-002 Section 2	Ms. Maggie Reyes-Bordeaux Attorney Public Counsel Law Center	AM		<p>Notice of Appeal-Instead of starting the paragraph with “In order to appeal”, it should be changed to “<i>To appeal</i>”.</p> <p>On second paragraph, after the first sentence, this sentence should be inserted: “Please contact an attorney if you are unsure about how to properly serve a notice of appeal.”</p>	<p>Agree.</p> <p>The committee is not recommending this change because it believes that this would be repetitive, since the opening paragraph already contains a suggestion that parties seek legal assistance if needed.</p>
17.	APP-002 Section 3	Mr. Saul Bercovitch State Bar of California Appellate Court Committee	AM	Y	Paragraph No. 3 of the Information Sheet headed “Notice of Appeal” indicates that the notice of appeal must be served on the other parties and filed with the Clerk of the Court “within 60 calendar days after the clerk mails or a party serves either a notice of entry or judgment or file-stamped copy of the judgment.” (Bold in original). It was observed during the Committee deliberations that there are	Agree.

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases (approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					<p>some circumstances under which the time to appeal may be longer or shorter than 60 days, even though such instances are the exception rather than the rule. The Committee recommends that the word “generally” be inserted into the sentence so the litigants will understand that the 60-day calendar day provision is not the rule in all situations. Therefore, the Committee recommends that the sentence read as follows:</p> <p>“The notice of appeal must be served on the other party or parties in the case and filed with the clerk of the superior court generally within 60 calendar days after the clerk mails or a party serves either a notice of entry of judgment or a file-stamped copy of the judgment.”</p>	
18.	APP-002 Section 3	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	<p>Section 3. Notice of Appeal In the second paragraph insert “or served” in the second sentence so that sentence would read: “If neither of these documents is mailed or served, the notice of appeal must be filed...”. This addition would help to make it clearer.</p>	Agree.
19.	APP-002 Section 5	Mr. Saul Bercovitch State Bar of California Appellate Court Committee	AM	Y	<p>Paragraph 5, headed “Designation of Record,” advises litigants how they should proceed when using a reporter’s transcript and a clerk’s transcript. However, there is not discussion of the use of an appendix in lieu of a clerk’s transcript. (See Cal. Rules of Court, rule 5.1.) The Committee recommends that a section be included to explain the option of using an appendix.</p>	Agree and have revised the form to clarify this.
20.	APP-002	Ms. Diana Herbert	AM	Y	Section 5. Designation of Record	See response to Mr. Bercovitch’s

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases
(approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Section 5	Appellate Court Clerks Association			<p>The 2nd paragraph, which begins, “Since...” is misleading in that it seems to state that there must be a reporter’s transcript in every appeal. Though there must be a designation, it is only required to designate documents either in the form of a clerk’s transcript or appendix. This section can be clarified by having the sentence read:</p> <p>“You must notify the superior court in writing within 10 days of the filing of the notice of appeal of your designation of the record. You can use Judicial Council Form APP-004, Notice Designating Record on Appeal. An appeal is not a new action; it is a review by the Court of Appeal of the record from the court below. The appellant is required to provide a record adequate for review either by designation of the documents for inclusion in a clerk’s transcript or providing the copies in the form of an appendix. In addition, you may include a copy of the oral proceedings by designating a report’s transcript.”</p> <p>Clerk’s Transcript Rule 5.1 should be included. This section could be Clerk’s Transcript or Appendix and include information about rule 5.1 or there should be a following section just for rule 5.1.</p>	comments above.
21.	APP-002 Section 5	Ms. Hannah Inouye Manager Superior Court of California, County of Los Angeles	AM	N	<p>Sections 1 through 6 of the form should be included on the superior court information form with the following change to Section 5:</p> <p>Under “5”. DESIGNATION OF RECORD” on</p>	See response to Mr. Bercovitch’s comments above.

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**Appellate Procedure—Forms for Appeals in Unlimited Civil Cases
(approve forms APP-002 – APP-007)**

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					the form, in first sentence of the second paragraph delete the following language: “of the oral proceedings and written materials.” Without the deletion, the language states “there must be an official record of the oral proceedings and written materials from the superior court of the appellate court to review in assessing the appeal.” This language states that oral proceedings must be part of an official record. It is not a requirement to have a reporter’s transcript included as part of an appeal record. It is optional for the appellant to designate a reporter’s transcript. Frequently, dates for court proceedings are designated, but are turned down because no reporter was present or the oral proceedings were not placed on the record.	
22.	APP-002 Section 5	Mr. Stephen V. Love Executive Officer Superior Court of California, County of San Diego	AM	N	<p>Civil Cases form (APP-002), add CRC, Rule 5.1 Election information after #5-Designation of Record.</p> <p>INFORMATION ON APPEAL PROCEDURES FOR UNLIMITED CIVIL CASES</p> <p>Designation of Record-The first paragraph needs to be re-worded. Since the appellate court was not present at the trial or other proceedings in the superior, there must be an official record of the oral proceedings and written material from the superior court, etc. This is not true. You can designate clerk’s reporter’s or both or and appendix (Rule 5.1).</p> <p>Include information on how to proceed by way or Rule 5.1 Election.</p>	See response to Mr. Bercovitch’s comments above.

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases (approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
23.	APP-002 Section 5	Mr. Mark Anthony Rodriguez Attorney	AM	N	<p>On the Information on Appeal Procedures (APP-002), I would suggest the following:</p> <p>On page 2, under the Clerk’s Transcript heading, reference should be made to the fact that the appellant can elect to proceed under Rule 5.1.</p> <p>The language could read as follows:</p> <p>“Alternatively, as appellant you can choose not to have the court clerk prepare the transcript and prepare one yourself. You can elect to prepare and appendix in lieu of the clerk’s transcript which replaces the transcript completely. An appendix may be prepared individually or jointly by the parties. The contents of what must be contained in this appendix is set forth in rule 5.1(b)(1)(A) of the California Rules of Court.”</p>	See response to Mr. Bercovitch’s comments above.
24.	APP-002 Section 6	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	<p>6. Filing the Record</p> <p>Reference needs to be made concerning rule 5.1. We would suggest adding the words “and reporter’s transcript(s), if any,” after the words “clerk’s transcript”. (Or delete the word “clerk’s” and make the word “transcript” plural.) This additional information may be helpful to the pro per.</p>	See response to Mr. Bercovitch’s comments above.
25.	APP-002 Section 7	Ms. Cheryl A. Geyerman Chair Appellate Court Committee, San	AM	N	<p>This proposal seeks to create additional Judicial Council forms with the goal of assisting unrepresented litigants in participating in the appellate process. We approve of the draft forms and have only one suggestion for improvement.</p>	Agree and have incorporated this information into the proposed form.

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**Appellate Procedure—Forms for Appeals in Unlimited Civil Cases
(approve forms APP-002 – APP-007)**

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
		Diego County Bar Association			<p>Form APP-002 provides general information on appeal procedures. Page 2, section 7, discussed briefs, with a subsection on service and filing. Many unrepresented litigants are unfamiliar with the locations of the various courts to which briefs must be sent. Since many briefs, such as those served on the Supreme Court, can be served by mail, we recommend the form advise parties of the California appellate court Web site where address information for the courts in person or by telephone, the Internet's widespread availability makes it an easier source through which to locate the information, and will also help reduce the burden of inquiries on court staff.</p> <p>We propose adding a sentence: "Information about proper addresses and methods for service can be found on the Web site for the California appellate courts at www.courtinfo.ca.gov." This sentence could be added immediately after "See rule 15 of the California Rules of Court," located at number 7 on the form under "Service and Filing of Briefs."</p>	
26.	APP-002 Section 7	Mr. Stephen V. Love Executive Officer Superior Court of California, County of San Diego	AM	N	<p>Delete #7. Briefs</p> <p>Superior Court should not answer questions with regard to filing briefs, which are filed in the Court of Appeal. Therefore, we do not want this added responsibility.</p>	The committee is not recommending deletion of this information from the proposed form. The committee believes it is important to have a single form that explains the steps in the appellate process both at the superior court and the Court of Appeal.
27.	APP-002	Ms. Hannah Inouye	AM	N	Part of Section 8 on the form should be included on	Agree with including this under the

SPR03-05

Appellate Procedure—Forms for Appeals in Unlimited Civil Cases (approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Section 8	Manager Superior Court of California, County of Los Angeles			the superior court information form as Section 7, entitled as “ABANDONMENT OF APPEAL.” Section 7 should state as follows: “If the appellant decides not to proceed with the appeal and the appeal record has not been filed at the court of appeal, the appellant must file an abandonment of appeal in the superior court. You can use Judicial Council form, APP-006, <i>Abandonment of Appeal (Civil Case)</i> for this purpose.”	heading of steps that take place at the superior court.
28.	APP-003	Mr. Saul Bercovitch State Bar of California Appellate Court Committee	A	Y	2. Form APP-003 (Notice of Appeal-Unlimited Civil Case)-The Committee recommends that this form include a definition of “unlimited civil case” as suggested above.	Agree.
29.	APP-003	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	APP-03 -Possibly include the wording “Notice of Cross Appeal” on the same form or else provide a separate form entitled “Notice of Cross Appeal.”	Agree and have modified the form so that it can be used to file a notice of appeal in a cross appeal.
30.	APP-003	Ms. Hannah Inouye Manager Superior Court of California, County of Los Angeles	AM	N	Form APP-003, NOTICE OF APPEAL- UNLIMITED CIVIL CASE A similar form for a notice of cross-appeal should be available. Under the “Case Number” on the form for a cross-appeal, “Court of Appeal Case Number (if know):” should be included. Also, this form should include the “Date of Appeal” for the underlying cross-appeal. This is very beneficial when multiple appeals have been filed.	See response to comments of Ms. Herbert, above.
31.	APP-003	Mr. Stephen V. Love Executive Officer	AM	N	NOTICE OF APPEAL-UNLIMITED CIVIL CASE-Form APP-003	See response to comments of Ms. Herbert, above.

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	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
		Superior Court of California, County of San Diego			Include a box for Cross Appeal	
32.	APP-003	Ms. Sandra Mason Director of Civil Operations Superior Court of California, County of San Luis Obispo	A	N	APP-003 , AP-004, and APP-005, the notice box needs reformatting	Agree.
33.	APP-003	Terry L. Oden Court Operations Manager Superior Court of California, County of Sonoma	AM	N	Notice of Appeal form. Just a thought: could/should there be a check box in the title box for a person to indicate that they are filing a “cross-appeal” pursuant to rule 3(e)?	See response to comments of Ms. Herbert, above.
34.	APP-003	Mr. Mark Anthony Rodriguez Attorney	AM	N	On the Notice of Appeal (APP-003), I would suggest the following: 1. Somewhere on the document, a statement that it is to be filed with the Superior Court and not the Court of Appeal. So many litigants and practitioners instinctively think they should be filing with the Court of Appeal directly. I know this information is on the proposed instruction sheet (APP-003), but so few people read. 2. Next to the checkbox for “Other” I would suggest a notation that “where several judgments and/or orders are being appealed, each must be expressly specified in this	Agree and have added this to the notice box.

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	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					notice.” Actually, I’m sure the appellate and superior court clerks would be very happy, with a checkbox right before the signature line on the Notice of Appeal (APP-003) which states “ __ Elects to proceed under the provisions of Rule 5.1 of the California Rules of Court by preparing an appendix under this Rule instead of a clerk’s transcript under Rule 5.” but that may be unnecessarily complicating things...	
35.	APP-003 Proof of Service	Ms. Maggie Reyes-Bordeaux Attorney Public Counsel Law Center	AM		On Forms APP-003 , page 2 of 2, APP-004, page 4 of 4, APP-006, page 2 of 2, and APP-007, page 2 of 2, inside the second box, instead of YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF, it should read, “ <u>YOU ARE PROHIBITED FROM THE MAILING OR DELIVERY YOURSELF.</u> ”	The committee is not recommending this change at this time. The proof of service attached to this form is the Judicial Council’s current standard proof of service form. The Civil and Small Claims Committee is in the process of updating the standardized proof of service language. The committee therefore recommend forwarding this suggestion to the Civil and Small Claims Committee.
36.	APP-004 General	Mr. Saul Bercovitch State Bar of California Appellate Court Committee	A	Y	The Committee also recommends that, in the body of the form, the words “Check only one” be repositioned to make it clear that the phrase is referring to one of the four options listed below. The Committee recommends that this form include a definition of “unlimited civil case.”	Agree. The committee believes it would be better not to repeat this explanation on each of forms. Instead the committee is recommending adding a general notice box at the top of the form letting users know that they should read the

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(approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
						information sheet before completing this form.
37.	APP-004 General	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	APP-04-1. The proposed form is a copy of the form in use by the San Diego Superior Court that is adapted from a form in use by the Los Angeles Superior Court that was developed by the Second District Court of Appeal. (see CRC, Local Rules-Second Appellate District-Forms). The only change the San Diego Superior Court made was to remove from the second page section B, which deals with the designation of the exhibits, if any, which are to included in the Clerk's transcript. The Clerk/Administrator from the Second District has spoken with the San Diego Superior Court and they have no objection to including this section in the statewide form.	Agree and have added this section into the proposed form.
38.	APP-004 Clerks Transcript Designation (Pg. 2)	Ms. Hannah Inouye Manager Superior Court of California, County of Los Angeles	AM	N	At the bottom of page 2 of the designation form, the following language to designate exhibits as part of the clerk's transcript should be added: "It is requested that the following exhibits admitted into evidence or marked for identification be copied into the clerk's transcript on appeal (check only one box): ?ALL EXHIBITS ?SPECIFIC EXHIBITS (<i>show the party, exhibit number or letter, e.g., Plaintiff's I, Defendant's B, Respondent's A, etc., a brief description, and admission status</i>) ?EXHIBITS WILL BE LODGED AT THE CORT OF APPEAL"	See response to comments of Ms. Herbert, above.
39.	APP-004	Ms. Patti Morua-	AM	N	On Form APP-004, page 2 lists the documents based	Agree

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(approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Clerks Transcript Designation (Pg. 2)	Widdows Court Program Manager Superior Court of California, County of Ventura			on CRC Rule 5. Item 5 should include the verbiage “for judgment notwithstanding the verdict, or for reconsideration of an appeal able order. There should be an item 7 that says “the register of actions, if any. (see rule5(b)(f).	
40.	APP-004 Clerks Transcript Designation (Pg. 2)	Terry L. Oden Court Operations Manager Superior Court of California, County of Sonoma	AM	N	Notice Designating Record. Be sure that form title matches in title box and footer. Also, I think it might be valuable to include a reference to rule 4(a)(3) in conjunction with the Respondent check box at NOTICE IS HEREBY GIVEN.	Agree Have modified heading to refer to rule 4 in general.
41.	APP-004 Heading Box	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	3. The proposed form also changes the top portion of the form in that it lists at the top Court of Appeal, (blank) Appellate District, Division (blank) and Court of Appeal Case Number (if known). It is misleading to have this information at the top of the corm as the form is to be filed in the superior court. The statewide form should follow the form in use where it provides a box for the Court of Appeal Number (if known) below the box for Court Use Only. 4. The proposed form also is confusing in that it does not follow the standard listing for title information is use on forms that are to be filed in the superior court (for example, see the proposed Notice of Appeal form). Instead of listing, as it is on the current forms, Petitioner/Plaintiff and Respondent/Defendant it shows Appellant and Respondent. This should be changed back.	Agree and have revised heading boxes.

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases (approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response						
42.	APP-004 Heading Box	Ms. Hannah Inouye Manager Superior Court of California, County of Los Angeles	AM	N	<p>Form APP-004, NOTICE DESIGNATING RECORD OF APPEAL IN UNLIMITED CIVIL CASE</p> <p>Delete top portion of the form with the Court of Appeal heading and case number. The designation is a document that is filed in the superior court; it is not a court of appeal document. Delete the PETITIONER: DEFENDANT/RESPONDENT:” caption.</p> <p>Change the title of the form, “NOTICE DESIGNATING RECORD OF APPEAL IN UNLIMITED CIVIL CASE” to “NOTICE DESIGNATING RECORD ON APPEAL IN UNLIMITED CIVIL CASE.”</p> <p>Under the “Superior Court Case Number:”, add “Court of Appeal Case Number (if known):”.</p>	See response to comments of Ms. Herbert, above.						
43.	APP-004 Heading Box	Mr. Stephen V. Love Executive Officer Superior Court of California, County of San Diego	AM	N	<table><tr><td colspan="2">APP-004 & APP-006 headings are titled:</td></tr><tr><td>Currently reads</td><td>They should read</td></tr><tr><td>APPELLANT:</td><td>PLAINTIFF/PETITIONER:</td></tr></table>	APP-004 & APP-006 headings are titled:		Currently reads	They should read	APPELLANT:	PLAINTIFF/PETITIONER:	See response to comments of Ms. Herbert, above.
APP-004 & APP-006 headings are titled:												
Currently reads	They should read											
APPELLANT:	PLAINTIFF/PETITIONER:											
44.	APP-004 Heading Box	Ms. Sandra Mason Director of Civil Operations Superior Court of California, County	A	N	APP-003, AP-004, and APP-005, the notice box needs reformatting	Agree.						

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases (approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
		of San Luis Obispo				
45.	APP-004 Inclusion of 5.2	Ms. Peggy Cordeiro Court Supervisor Superior Court of California, County of Calaveras	A	N	The proposed information sheet, as well as the other proposed forms, will be very useful to pro per litigants. I have just one question, however: On the form “Notice Designating Record of appeal in Unlimited Civil Cases (APP-004), includes 4 options-two of which include designation under Rule 5.1. Should this form also include an option for designation under Rule 5.2?	The committee is not recommending inclusion of this option because it believes that it would be confusing for unrepresented litigants.
46.	APP-004 Inclusion of 5.2	Terry L. Oden Court Operations Manager Superior Court of California, County of Sonoma	AM	N	And, there definitely need to be items 5 & 6 for election (with a separate stipulation page?) to use the court file (rule 5.2) in lieu of a transcript (with a reporter’s transcript or without).	See response to comments of Ms. Cordeiro, above.
47.	APP-004 Order of Items	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	2. The San Diego form, as well as the form in use by the Second District and the Los Angeles Superior Court, has the arrangement of the items to be checked in reverse order form that on the proposed form and we request that the statewide form follow the original arrangement. See copy attached.	Agree in concept and have completely reversed the order in the proposed form because this appears to place the options in a logical sequence.
48.	APP-004 Order of Items	Ms. Hannah Inouye Manager Superior Court of California, County of Los Angeles	AM	N	Change Number 3 on the form to Number 1, Number 4 on the form to Number 2, Number 1 on the form to Number 3 and Number 2 on the form to Number 4. This change in number sequence emphasizes that parties can prepare their own transcripts.	See response to comments of Ms. Herbert, above.
49.	APP-004 Order of Items	Mr. Stephen V. Love Executive Officer Superior Court of California,	AM	N	NOTICE DESIGNATING RECORD OR APPEAL IN UNLIMITED CIVIL CASE Form APP-004: Reverse the order and have it like our form APL-87 [ATTACHED].	See response to comments of Ms. Herbert, above.

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	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
		County of San Diego				
50.	APP-004 Proof of Service (Pg. 4)	Ms. Maggie Reyes-Bordeaux Attorney Public Counsel Law Center	AM		On Forms APP-003, page 2 of 2, APP-004 , page 4 of 4, APP-006, page 2 of 2, and APP-007, page 2 of 2, inside the second box, instead of YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF, it should read, “ <i><u>YOU ARE PROHIBITED FROM THE MAILING OR DELIVERY YOURSELF.</u></i> ”	The committee is not recommending this change at this time. The proof of service attached to this form is the Judicial Council’s current standard proof of service form. The Civil and Small Claims Committee is in the process of updating the standardized proof of service language. The committee therefore recommends forwarding this suggestion to the Civil and Small Claims Committee.
51.	APP-004 Reporters Transcript Designation (Pg. 3)	Mr. Mark Anthony Rodriguez Attorney	AM	N	On the Notice Designating Reporter’s Transcript (APP-004), the information box Notice on the top of the page should inform the appellant that the court reporter must be served. Proposed language: “A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. If you have filled in the Notice Designating Reporter’s Transcript, you must also mail or personally deliver this document to each know reporter of the designated proceeding. YOU MAY NOT PERFORM...”	The committee is not recommending this change. This information is included in APP-001.
52.	APP-005	Mr. Saul Bercovitch State Bar of California Appellate Court Committee			4. APP-005 (Application for Extension of Time to File Brief)-The Committee recommends that this form require an attorney who represents an appellant or respondent to indicate by checking a box that he or she has served the client with the application. (See Cal. Rules of Court, rule 15(b)(i).)	Agree.
53.	APP-005	Ms. Diana Herbert Appellate Court	AM	Y	APP-005 We propose extensive changes to the Application for	Agree with all of these suggestions.

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Appellate Procedure—Forms for Appeals in Unlimited Civil Cases (approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
		Clerks Association			<p>Extension Form. Proposed changes are reflected in the attached copy. They consist of:</p> <ul style="list-style-type: none"> • Adding the superior court case number. (It is not uncommon for the filer to provide the wrong Court of Appeal Case number while providing the correct superior court case number and inclusion of this information provides for an easy reference and check. • Information about the size of the record. (Many courts require this information.) • An area for ruling by the court. (This enables a court to rule the request without the production of a separate order thus saving time and expense.) • Reference to Rule 43 and Rule 45.5. (Hopefully the filer will read these rules before filing the request.) 	
54.	APP-005	Ms. Jody L. Isenberg California Judicial Attorneys Association	N	Y	With regard to proposed forms APP-005 , APP-006, and APP-007, they are captioned at the bottom of the page respectively, “Application for Extension of Time to File Brief,” “Abandonment of Appeal (Civil Case)” and Request for Dismissal of Appeal (Civil Case).” We assume those forms are limited to use in unlimited civil cases as are the other forms. If that is the case, we suggest that those captions include a reference to “unlimited civil case”	Agree that forms to be filed in superior court should indicate that they are for unlimited civil cases only and have modified them accordingly. This is not necessary for the forms to be filed in the Court of Appeal, as only unlimited civil cases may be appealed to the Court of Appeal.
55.	APP-005	Ms. Sandra Mason	A	N	APP-005, the notice box needs reformatting.	Agree.

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	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
		Director of Civil Operations Superior Court of California, County of San Luis Obispo			APP-005 Put a proof of service on the reverse	
56.	APP-005	Mr. Mark Anthony Rodriguez Attorney	AM	N	On the Application For Extension of Time to File Brief (APP-005), I would suggest adding a reference to rule 45.5 in setting forth the reasons one needs an extension. This rule lays out nine factors the court looks for in granting extensions. I would suggest the following: “The reason I need an extension to file this brief is (please specify) (refer to rule 45.5 of the California Rules of Court):”	Agree.
57.	APP-006	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	APP-006 As with the designation form, this form is to be filed in the superior court and the heading ought to be identical to the heading on the Notice of Appeal Form. The top part of the form is to be eliminated and the only Court of Appeal information listed is Court of Appeal Number (if known) to be in a box under the box for the Superior Court Case Number. The title box should show Plaintiff/Petitioner and Defendant/Respondent. And most importantly, there needs to space to include the date of the notice of appeal to which this form applies.	Agree and have reformatted heading boxes accordingly.
58.	APP-006	Ms. Hannah Inouye Manager Superior Court of	AM	N	Form APP-006, ABANDONMENT OF APPEAL (CIVIL CASE)	See response to comments of Ms. Herbert above.

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	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
		California, County of Los Angeles			<p>Delete top portion of the form with the Court of Appeal heading and case number. The abandonment is filed in the superior court. Add the superior court heading, county, and address. Delete the caption “APPELLANT/RESPONDENT:” Under the “Superior Court Case Number:”, add “Court of Appeal Case Number (if known):”.</p> <p>Delete the first sentence in the body of the form and replace with “The undersigned appellant hereby abandons the appeal filed on ____ in the above-entitled action.” It is essential to include the notice of appeal filing date on the form to ensure that the appropriate appeal is abandoned.</p>	
59.	APP-006	Ms. Jody L. Isenberg California Judicial Attorneys Association	N	Y	With regard to proposed forms APP-005, APP-006 , and APP-007, they are captioned at the bottom of the page respectively, “Application for Extension of Time to File Brief,” “Abandonment of Appeal (Civil Case)” and Request for Dismissal of Appeal (Civil Case).” We assume those forms are limited to use in unlimited civil cases as are the other forms. If that is the case, we suggest that those captions include a reference to “unlimited civil case”	Agree that forms to be filed in superior court should indicate that they are for unlimited civil cases only and have modified them accordingly. This is not necessary for the forms to be filed in the Court of Appeal, as only unlimited civil cases may be appealed to the Court of Appeal.
60.	APP-006	Mr. Stephen V. Love Executive Officer Superior Court of California, County of San Diego	AM	N	<p>ABANDONMENT OF APPEAL (CIVIL CASE) Form APP-006</p> <p>Delete the top box of the form that has Court of Appeal ____Appellate District, Division _____. It may be confusing since this form is filed in Superior Court. Have the form include the date of Notice of Appeal was filed. Example: “The undersigned</p>	See response to comments of Ms. Herbert, above.

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	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response								
					<p>appellate hereby abandons the appeal in the above-entitled action, which was filed on ____.”</p> <p>Lastly, have the headings on the forms that are filed in Superior Court conformed?</p> <p>APP-004 & APP-006 headings are titled:</p> <table><tr><td>Currently reads</td><td>They should read</td></tr><tr><td>APPELLANT:</td><td>PLAINTIFF/PETITIONER:</td></tr><tr><td>RESPONDENT</td><td>DEFENDANT/RESPONDENT:</td></tr><tr><td>:</td><td>:</td></tr></table>	Currently reads	They should read	APPELLANT:	PLAINTIFF/PETITIONER:	RESPONDENT	DEFENDANT/RESPONDENT:	:	:	
Currently reads	They should read													
APPELLANT:	PLAINTIFF/PETITIONER:													
RESPONDENT	DEFENDANT/RESPONDENT:													
:	:													
61.	APP-006	Ms. Maggie Reyes-Bordeaux Attorney Public Counsel Law Center	AM		On Forms APP-003, page 2 of 2, APP-004, page 4 of 4, APP-006 , page 2 of 2, and APP-007, page 2 of 2, inside the second box, instead of YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF, it should read, “ <i>YOU ARE PROHIBITED FROM THE MAILING OR DELIVERY YOURSELF.</i> ”	The committee is not recommending this change at this time. The proof of service attached to this form is the Judicial Council’s current standard proof of service form. The Civil and Small Claims Committee is in the process of updating the standardized proof of service language. The committee therefore recommends forwarding this suggestion to the Civil and Small Claims Committee.								
62.	APP-007	Ms. Diana Herbert Appellate Court Clerks Association	AM	Y	APP-007 -This form must include the date of the notice of appeal and the superior court case number. And it would be helpful to include a notice that costs will be awarded pursuant to Rule 27.	Agree and have included a space for this date on the proposed form.								
63.	APP-007	Ms. Jody L. Isenberg California Judicial Attorneys Association	N	Y	With regard to proposed forms APP-005, APP-006, and APP-007 , they are captioned at the bottom of the page respectively, “Application for Extension of Time to File Brief,” “Abandonment of Appeal (Civil Case)” and Request for Dismissal of Appeal (Civil Case).” We assume those forms are limited to use in unlimited civil cases as are the other forms. If that is	Agree that forms to be filed in superior court should indicate that they are for unlimited civil cases only and have modified them accordingly. This is not necessary for the forms to be filed in the Court of Appeal, as only unlimited civil cases may be appealed to the Court of								

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(approve forms APP-002 – APP-007)

	Forms	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					the case, we suggest that those captions include a reference to “unlimited civil case”	Appeal.
64.	APP-007	Ms. Maggie Reyes-Bordeaux Attorney Public Counsel Law Center	AM		On Forms APP-003, page 2 of 2, APP-004, page 4 of 4, APP-006, page 2 of 2, and APP-007 , page 2 of 2, inside the second box, instead of YOU MAY NOT PERFORM THE MAILING OR DELIVERY YOURSELF, it should read, “ <i><u>YOU ARE PROHIBITED FROM THE MAILING OR DELIVERY YOURSELF.</u></i> ”	The committee is not recommending this change at this time. The proof of service attached to this form is the Judicial Council’s current standard proof of service form. The Civil and Small Claims Committee is in the process of updating the standardized proof of service language. The committee therefore recommends forwarding this suggestion to the Civil and Small Claims Committee.